

Bingham McCutchen LLP
WENDY M. LAZERSON (SBN 97285)
KRISTEN M. PEZONE (SBN 224057)
1900 University Avenue
East Palo Alto, CA 94303-2223
Telephone: (650) 849-4400
Facsimile: (650) 849-4800
Email: wendy.lazerson@bingham.com
Email: kristen.pezone@bingham.com

Attorneys for Defendant
BIMBO BAKERIES USA, INC.

Gigliotti & Gigliotti
JOSEPH J. GIGLIOTTI (SBN 144979)
434 East Chapman Avenue
Fullerton, CA 92832
Telephone: (714) 879-1712
Facsimile: (714) 879-3439
Email: gigliottilaw@msn.com

Attorneys for Plaintiffs
KATHLEEN MORRISON et al.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KATHLEEN MORRISON, GARY CASTRO,
and TOM TERUSO, on their own behalf and on
behalf of all employees similarly situated,

Plaintiff,

v.

BIMBO BAKERIES USA, INC. and DOES 1
through 100, Inclusive.,

Defendant.

No. 07-CV-03156-SI

JOINT STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE

Plaintiffs and Defendants, through their respective counsel of record, hereby
stipulate and agree as follows:

WHEREAS there is an earlier-filed putative class action lawsuit entitled
Leonard et al. v. Bimbo Bakeries USA, Inc. et al. filed in this District (Case No. C05 00829
JW), which Defendants contend encompasses the same legal and factual contentions as those

1 asserted by Plaintiffs herein;

2 WHEREAS on June 4, 2007, Defendants filed a motion for consolidation of
3 the instant action and the *Leonard v. Bimbo Bakeries USA, Inc.* case (the “Motion to
4 Consolidate Cases”);

5 WHEREAS on August 3, 2007, Judge James Ware vacated the hearing and
6 took the Motion to Consolidate Cases under submission;

7 WHEREAS Judge Ware has not yet issued a ruling on the Motion to
8 Consolidate Cases;

9 WHEREAS the current date for the Case Management Conference in this
10 litigation is scheduled for September 21, 2007;

11 WHEREAS the ruling on the Motion to Consolidate Cases may have a
12 significant impact on the scheduling and management of this litigation;

13 WHEREAS on September 4, 2007, the parties, by and through their respective
14 counsel, completed the conference required pursuant to FRCP 26(f);

15 WHEREAS, the parties have agreed to serve initial disclosures pursuant to
16 FRCP 26(a) by September 14, 2007 and have agreed to file a joint case management
17 conference statement pursuant to FRCP 26(f) by September 14, 2007;

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

A/72187223.2

1 The Parties hereby jointly request that the Case Management Conference
2 currently scheduled for September 21, 2007 be continued until after Judge Ware has issued
3 the ruling on the Motion to Consolidate Cases.

4
5 DATED: September 5, 2007

GIGLIOTTI & GIGLIOTTI

6
7 By: /s/
8 Joseph Gigliotti
9 Attorneys for Plaintiffs
10 KATHLEEN MORRISON, GARY CASTRO
11 and TOM TERUSO

12 DATED: September 5, 2007

BINGHAM McCUTCHEN LLP

13
14 By: Wf
15 Wendy M. Lazerson
16 Attorneys for Defendant
17 BIMBO BAKERIES USA, INC

18
19 **ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED THAT the case
21 management conference currently set for 1:30 p.m. on September 21 2007 is continued until
22 11/9/07 at 2 p.m.

23
24 By: Susan Illston
25 HON. SUSAN ILLSTON
26 United States District Court Judge
27
28